IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 131 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/04/2003 in WP NO : 32954 OF 1997 on the file of the High Court.)

Between:
1 The Depot Manager, APSRTC, Gannavaram Depot, Krishna District
2 The Divisional Manager, APSRTC, Krishna Division, Vijayawada, Krishna District

... APPELLANT (S)

AND

1 K. Sambasiva Rao S/o Subba Rao
R/o Pamarthi Nagar, Allapuram (Post) Gannavaram (Mandal), Krishna district
2 The Presiding Officer, Labour court, Guntur, Guntur District

...RESPONDENT (S)

Counsel for the Appellant: MR.VENKATESWARLU POSANI

Counsel for the Respondents: GP FOR LABOUR

The Court Made the Following:

ORDER: (Per GB,J)

This Writ Appeal is filed against the order passed by the

learned single Judge in W.P.No.32954 of 1977 dated 01-04-2003.

2. First respondent was working with A.P.S.R.T.C. in Gannavaram Depot. While so, he was disengaged from service from 01-07-1992. Thereafter, he raised I.D. No. 280 of 1992. In this regard, it is incidentally noted that four workers similarly situated were disengaged. Therefore, they filed I.D.Nos.280 to 283 of 1992. The Labour Court on adjudication, passed a common award on 16-07-1997 holding that the termination of services of the workmen fell within the definition of retrenchment under Section 25-F of the Industrial Disputes Act (for short 'the Act') and that there was violation of the provisions contained under Section 25-F. Accordingly directed reinstatement of the workmen into service with continuity of service, back-wages and attendant benefits. Assailing the said awards, the Corporation filed four Writ Petitions including Writ Petition No.32954 of 1997 which is the subject matter in the present Writ Appeal.

3. The learned single Judge, by an order dated 01-04-2003 dismissed the said Writ Petitions against which, the present Writ Appeal has been filed by the Corporation.

4. Learned counsel for the appellants, however, submits that the order passed by the learned single Judge is illegal. He submits that Section 25-F is not attracted inasmuch as the workman was

only a Contract labour engaged by the contractor, hence, the order of the learned single Judge is liable to be set aside.

5. We have heard the learned counsel for parties.

6. The Labour Court found that the workmen were the employees of A.P.S.R.T.C. and therefore it held that there is violation of Section 25-F of the Act. The learned single Judge

also found that the Labour Court has rightly held that the termination is illegal and therefore refused to interfere with the award.

7. Under these circumstances, we do not find any ground to interfere with the order of the learned single Judge. The Writ Appeal is dismissed. No costs.

DEPUTY REGISTRAR

June 17, 2004
MRR

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SECTION OFFICER

Copy to:

1 The Presiding Officer, Labour court, Guntur, Guntur District.
2. Two C.C.s to the G.P. for Labour, High Court Buildings, Hyderabad
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